

# PLANNING COMMISSION STAFF REPORT

## Dearborn Partial Alley Vacation Abutting 2553 S. Dearborn Street

Petition 400-07-14  
September 10, 2008



Planning and Zoning Division  
Department of Community  
Development

**Applicant:**

Vera Novak

**Staff:**

Katia Pace, Associate Planner  
535-6354  
[katia.pace@slcgov.com](mailto:katia.pace@slcgov.com)

**Tax ID:**

16-21-306-015

**Surrounding Zoning:**

R-1/7,000 – Single-family  
Residential District

**Council District:**

Council District 7,  
Councilmember Søren Simonsen

**Acreage:**

0.003 acre or 150 square feet

**Surrounding Land Uses:**

Single-family residential

**Applicable Land Use Regulations:**

**Salt Lake City Code:**

- Chapter 2.58
- Chapter 14.52

**Utah Code:**

- Section 10-9a-609.5

**Master Plans:**

The Sugar House Master Plan  
designates the block where the alley  
is Low Density Residential.

**Attachments:**

- A. Original and Current Request
- B. Department/Division Comments
- C. Photos
- D. Public Comments
- E. Original Application

### REQUEST

Vera Novak, is requesting Salt Lake City to partially vacate the alley abutting her property at 2553 S. Dearborn Street, and declare it surplus property. The size of the alley proposed to be vacated is 25 feet by 6 feet (150 square feet.) The property is located in the R-1/7,000 zoning district.

The alley runs east/west between Dearborn Street and 1500 East. Other sections of the alley were vacated in 1985. The applicant would like to use the portion of the vacated alley to build a new garage.

### PUBLIC NOTICE

Notice was mailed to all property owners within a four hundred and fifty foot (450') radius of the subject property on August 27, 2008, fourteen (14) days prior to the scheduled public hearing. An announcement was also sent to all those on the City's Listserve and was posted on the City's website.

### ALTERNATIVE RECOMMENDATIONS

***Approval***

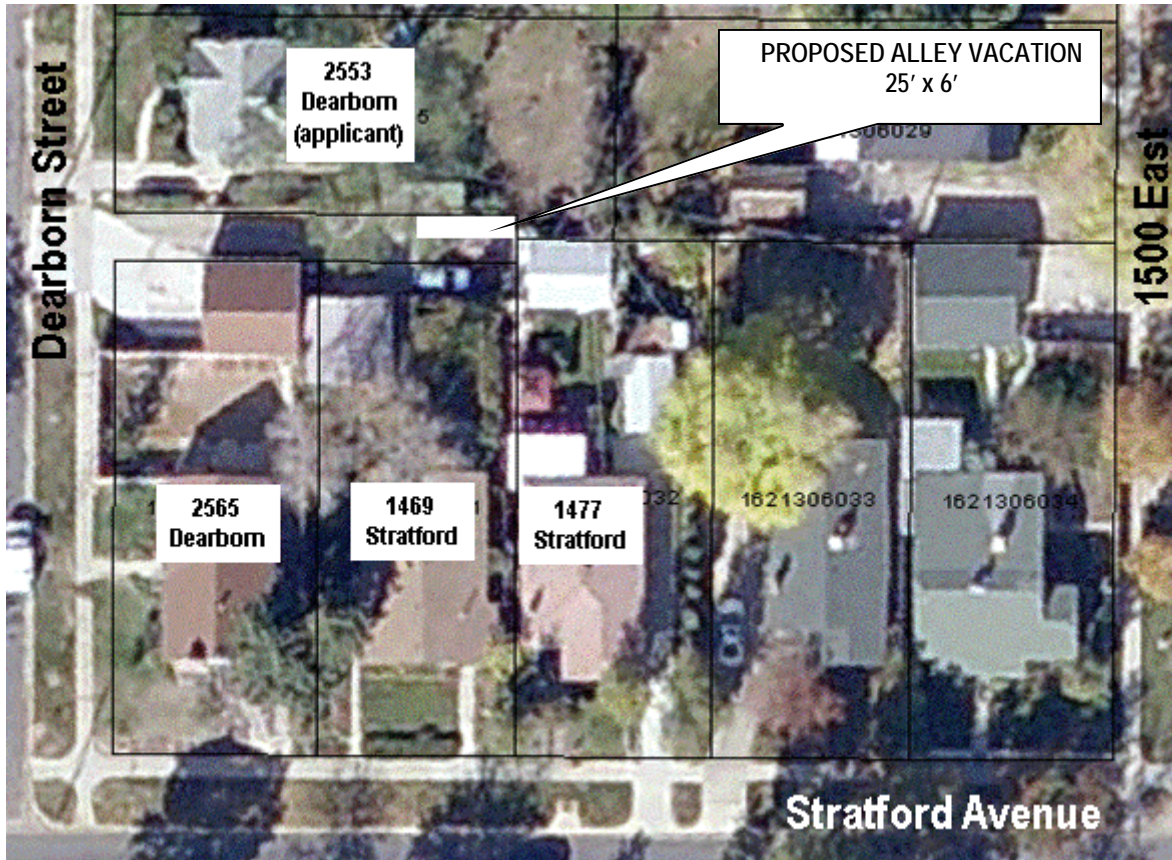
Based on the findings of fact identified at the public hearing, staff recommends that the Planning Commission transmit a favorable recommendation to the City Council to partially vacate the alley, and declare it surplus property.

Staff further recommends the following conditions of approval:

1. Final vacation is subject to approval of all utilities, and utility easements shall remain as required and approved by the entity concerned.
2. That the applicant purchases the surplus property according with Salt Lake City Code Chapter 2.58.

***Denial***

Based on the findings of fact identified at the public hearing, staff recommends that the Planning Commission transmit a negative recommendation to the City Council to partially vacate the subject alley. This request does not demonstrate that the disposition satisfies any of the policy considerations in Salt Lake City Code Chapter 14.52.020.



**PROJECT HISTORY/DESCRIPTION**

In 1985 the City vacated the alley running north/south and a portion of the alley running east/west adjacent to the applicant’s property. The legal description for the alley vacation was recorded incorrectly. The east/west portion of this alley was not completely vacated because the only access to off-street parking for the property at 1469 Stratford Avenue was from the alley.

In 2004 the property owner at 1477 Stratford Avenue submitted plans for a building permit for a second garage with access from the alley. There was already a legal garage on the property with driveway access from Stratford Avenue. The information given for the permit incorrectly showed part of the property at 1469 Stratford Avenue as the alley access to the proposed second garage. The actual width of the access from the alley to the property at 1477 Stratford Avenue is just six feet. Typical driveway access is a minimum of eight feet. Once the error was brought to the City’s attention, the property owner received a building permit for an accessory structure, not a garage. Although the structure is used as a garage and the alley is used for vehicular access to the structure, the City does not recognize the structure as a garage.

In 2007 the applicant submitted a request to vacate 25 feet of the alley. Planning staff recommended vacating the entire alley. The property at 1469 Stratford Avenue belongs to the applicant’s mother; this property needs access to off-street parking from the alley. The applicant was willing to deed the portion of the vacated alley to her mother to preserve access to her property. Also, the property at 2565 South Dearborn Street would need to deed their portion of the vacated alley or else enter into a private right-of-way agreement.

In the review process the Transportation Division recommended that the property at 1477 Stratford Avenue should retain the six foot access to the accessory structure. Thus requiring that a right-of-way agreement be reached between the property owners before the alley vacation request could be forwarded. The applicant was unable to reach an agreement with the property owners. Consequently, the applicant modified her request to vacate 25 feet of half the width of the alley which is 6 feet.

## COMMENTS

### **Community Council Comments:**

The applicant presented this request to the Sugar House Community Council on April 4, 2007, prior to submitting the application to the city. On April 6, 2007 Philip Carlson, the Chair of the Sugar House Community Council at the time, submitted the following comment: "The council (Sugar House Community Council) does not submit this letter as an endorsement for any property owner adjoining the portion of alley being considered for alley abandonment. Rather, it is recommended that the responsible and proper city agencies ensure the necessary steps are adhered to in consideration of the abandonment."

On August 28, 2007 the Planning staff requested input from the Sugar House Community Council but since the applicant had already presented her request to the Community Council prior to submitting the petition, the Sugar House Community Council declined an additional presentation.

### **City Department/Division Comments:**

The application material was routed to the pertinent City Departments and Divisions on June 14, 2007. The Division of Transportation's comments and recommendations are for denial as follows:

The 12 foot wide alley abuts 2553 South and 2565 South Dearborn, 1469 East and 1477 East Stratford Avenue.

Per our field review and files we find that the alley currently services 2565 South Dearborn (\*) as a shared driveway approach to a two car garage facing Dearborn (2001 Permit), 1469 East Stratford Avenue has a two car garage with its only access from the alley and 1477 East Stratford Avenue has a storage shed (2007 permit) with a 6 foot wide frontage access from the alley and a single car garage with access from Stratford. The property at 2553 South Dearborn has a driveway parallel to the alley to access a single car garage in the rear yard.

The petition to vacate or close the alley needs to have approval from all abutting properties. The vacation from public ownership to private ownership will require cross access easements for all abutting properties to maintain current access rights. Closure will also require approval from all utilities and emergency services as required.

*(\* Subsequent review found that the property at 2565 Dearborn has a separate driveway approach from the alley, and would not be impacted by the alley vacation.)*

Upon receiving this recommendation, Planning staff discussed this matter with Transportation and Building Services and Licensing and understands their comments to say that the type of access to be retained is not vehicular, but access to the accessory structure.

This and other comments received from the pertinent City Departments and Divisions are found in Attachment B of this staff report.

**Public Comments:**

The property owners at 1477 Stratford Avenue are opposed to the alley vacation and feel that the applicant's purpose for requesting the alley vacation is to block their access. A note from Pamela Brady, a property owner at 1477 Stratford Avenue, and a letter from the applicant's attorney addressed to the Brady's attorney can be found in Attachment D.

**STAFF ANALYSIS AND FINDINGS**

**Master Plan Discussion:**

**Sugar House Community Master Plan adopted in 2005.**

“In Sugar House, alleys have traditionally been incorporated into development patterns and many alleyways currently serve both residential and commercial use. This is one of the factors that contribute to the pedestrian orientation that many of the well-established neighborhoods embody. However, due to maintenance issues, the abutting property owners to an alley frequently request that the City vacate the property. It has been the practice of the City that if approved, the alley is divided equally and ownership is transferred to the adjacent property owners. Transferring ownership of property that was once a City right-of-way, has been a source of concern for the community. Although expedient if the City's responsibility for maintenance is relieved, the long-term loss of resources creates a cumulative impact upon the public access routes. Given these complex issues, the City Council is developing revisions to the existing alley vacation policy. This new policy will be used to evaluate each request for alley vacations in the future.” (See guidelines below.)

**Alley Closure Guidelines:**

**Salt Lake City Code Section 14.52.020 Policy Considerations for Closure, Vacation or Abandonment of City Owned Alleys**

The city will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations:

- **Lack Of Use:** The city's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right of way;
- **Public Safety:** The existence of the alley is substantially contributing to crime, unlawful activity, unsafe conditions, public health problems, or blight in the surrounding area;

- **Urban Design:** The continuation of the alley does not serve as a positive urban design element; or
- **Community Purpose:** The petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

**Salt Lake City Code Section 14.52.030 (B) Public Hearing and Recommendation from the Planning Commission**

The Planning Commission shall make a report and recommendation to the City Council on the proposed disposition of the subject alley. A positive recommendation should include an analysis of the following factors:

**1. The City police department, fire department, transportation division, and all other relevant City departments and divisions have no objection to the proposed disposition of the property.**

**Analysis:** The applicable City departments and divisions have reviewed this request. The Transportation Division has concerns that the alley vacation should not deny access to properties at 1469 Stratford Avenue and 1477 Stratford Avenue.

**Finding:** Vehicular access to the property at 1469 Stratford Avenue would be preserved, and a six foot non-vehicular access to the property at 1477 Stratford Avenue would be retained (this property also has a driveway access from Stratford Avenue.)

**2. The petition meets at least one of the policy considerations stated above (Section 14.52.020.)**

**Analysis:** The reason for vacating this alley is not because of lack of use, public safety, or community purpose. It can be argued that the continuation of the alley does not serve an urban design element.

**Finding:** The request for vacating the alley does not substantially fall into any of these considerations.

**3. The petition must not deny sole access or required off-street parking to any adjacent property.**

**Analysis:** Vehicular access to the property 1469 E. Stratford Avenue would be preserved. The property at 1477 E. Stratford Avenue would retain the non-vehicular six foot access (this property also has a driveway access from Stratford Avenue.)

**Finding:** The alley vacation would not deny sole access or, required access to off-street parking to any adjacent property.

**4. The petition will not result in any property being landlocked.**

**Finding:** No landlocked parcels will be created. The partial alley vacation will ensure that there is still vehicular access to the property at 1469 Stratford Avenue.

- 5. The disposition of the alley property will not result in a use which is otherwise contrary to the policies of the City, including applicable master plans and other adopted statements of policy which address, but which are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses.**

**Analysis:** There are no midblock-walkways, pedestrian paths, or trails affected by the alley nor does the alley vacation affect alternative transportation uses.

**Finding:** The disposition of the alley property will not result in a use which is contrary to the policies of the City.

- 6. No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within 12 months of issuance of the building permit.**

**Analysis:** The property owner at 1477 Stratford Avenue opposes the alley vacation. However, this property does not have legal vehicular access to the alley. The City does not recognize the accessory structure built in 2001 as a garage. There is an existing garage on the property with access from Stratford Avenue.

**Finding:** Vacating this portion of the alley will not deny access to the property at 1477 Stratford Avenue.

- 7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it.**

**Analysis:** At the time the applicant submitted this request, the Planning staff recommended to try to vacate the entire alley. Due to lack of support by all of the abutting property owners needing access to the alley, vacating the entire alley was not possible.

**Finding:** The applicant requested that a partial alley vacation be considered because there is not support from the abutting property owners to vacate the entire alley.

- 8. The alley is not necessary for actual or potential rear access to residences or for accessory uses.**

**Analysis:** Vehicular access to property 1469 E. Stratford Avenue would be preserved. The property at 1477 E. Stratford Avenue would retain the six foot non-vehicular access.

**Finding:** Actual or potential rear access to off-street parking and for accessory use is being retained.

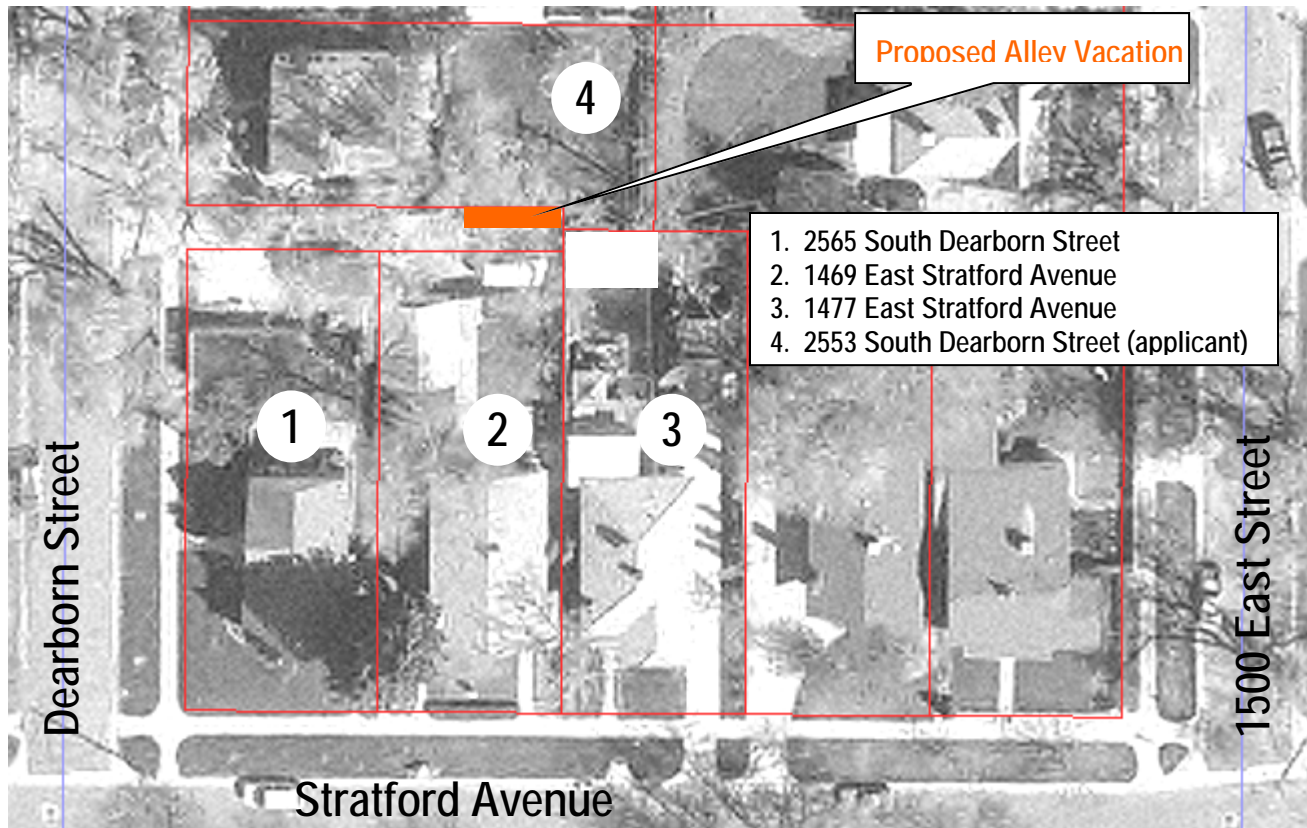
# **Attachment A**

## **Original and Current Request**

## Original Request



## Current Request





# **Attachment B**

## **Department/Division Comments**

## **BUILDING SERVICES**

**From:** Butcher, Larry

**Sent:** Saturday, June 23, 2007 7:40 AM

**To:** Pace, Katia

**Cc:** Goff, Orion

**Subject:** Alley Vacation / Vera Novak / 2553 S. Dearborn St. / 400-07-14

**Categories:** Program/Policy

Katia:

The property at 1469 Stratford appears to be the most affected by the vacation request since it does not have an existing driveway access from Stratford Avenue. The vacation may also require modification of the existing driveway access to the alley between Vera Novak's property and the property at 2565 S. Dearborn St. A shared driveway agreement may be the answer.

I have had previous contact with Vera regarding this alley access and the new accessory structure at 1477 E. Stratford. Please contact me at 706-0968 to discuss this issue.

Thanks,

Larry

## TRANSPORTATION

**From:** Walsh, Barry

**Sent:** Friday, June 22, 2007 4:44 PM

**To:** Pace, Katia

**Cc:** Young, Kevin; Smith, Craig; Spencer, John; Nalder, Kevin; Stewart, Brad; Butcher, Larry; Askerlund, Dave

**Subject:** Pet 400-07-14 Alley closure

**Categories:** Program/Policy

June 22, 2007

Katia Pace, Planning

Re: Petition 400-07-14, to vacate the alley running east/west between Dearborn Street and 1500 East abutting 2553 South Dearborn Street.

The Division of transportation review comments and recommendations are for denial as follows:

The 12 foot wide alley abuts 2553 South and 2565 South Dearborn, 1469 East and 1477 East Stratford Avenue.

Per our field review and files we find that the alley currently services 2565 South Dearborn as a shared driveway approach to a two car garage facing Dearborn (2001 Permit), 1469 East Stratford Avenue has a two car garage with its only access from the alley and 1477 East Stratford Avenue has a storage shed (2007 permit) with a 6 foot wide frontage access from the alley and a single car garage with access from Stratford. The property at 2553 South Dearborn has a driveway parallel to the alley to access a single car garage in the rear yard.

The petition to vacate or close the alley needs to have approval from all abutting properties. The vacation from public ownership to private ownership will require cross access easements for all abutting properties to maintain current access rights. Closure will also require approval from all utilities and emergency services as required.

Sincerely,

Barry Walsh

PS. - The alley is currently gravel and should have a paved surface to access the 1469 East garage.

Cc Kevin Young, P.E.  
Craig Smith, Engineering  
John Spencer, property Management  
Kevin Nalder, Fire  
Brad Stewart, Public Utilities  
Larry Butcher, permits  
Dave Askerlund, Police

**FIRE**

**From:** Nalder, Kevin  
**Sent:** Thursday, June 21, 2007 6:25 PM  
**To:** Pace, Katia  
**Subject:** Petition 400-07-14  
Katia,

After soliciting input and receiving feedback from the Captains at fire station #3. It is determined that closure of the alley in petition # 400-07-14 will not impede the fire departments ability to provide emergency services. Approved

*J Kevin Nalder*

Battalion Chief - Fire Marshal

Salt Lake City Fire Department

305 East 200 South

Office: 801-799-4163

Fax: 801-799-4156

Email: [kevin.nalder@slcgov.com](mailto:kevin.nalder@slcgov.com)

**PUBLIC UTILITIES**

**From:** Garcia, Peggy  
**Sent:** Monday, June 18, 2007 10:35 AM  
**To:** Pace, Katia  
**Subject:** Petition #400-07-14 Vacate Alley

**Categories:** Program/Policy  
Katia,

Salt Lake City Public Utilities has reviewed the request to vacate the alley running east/west between Dearborn Street and 1500 East abutting property on 2553 South Dearborn Street and find that there are no existing water, sewer or storm drainage utilities within the requested portion of the alley to be vacated.

If you need any further assistance please contact me at 483-6727.

Thank you,

Peggy Garcia

POLICE



**MEMORANDUM**

451 South State Street, Room 406  
Salt Lake City, Utah 84111  
(801) 535-7757

Planning and Zoning Division  
Department of Community Development

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**Date:** June 14, 2007

**To:** Property Management, John Spencer  
Engineering, Craig Smith  
Fire, Kevin Nalder  
Public Utilities, Brad Stewart  
Transportation, Barry Walsh  
Building Services, Larry Butcher  
Police, Dave Askerlund

**From:** Katia Pace, Associate Planner

**Re:** **Petition #400-07-14**, to vacate the alley running east/west between Dearborn Street and 1500 East Street abutting the property on 2553 South Dearborn Street.

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The Planning Division is reviewing a request by Vera Novak to vacate the alley abutting her property at 2553 South Dearborn Street, and declare it surplus property. The alley runs east/west between Dearborn Street and 1500 East Street (please see map for details.) Other portions of the alley were vacated in 1985.

Please review the attachments and respond by June 28, 2007. If you have any questions, please contact me at 535-6354 or [katia.pace@slcgov.com](mailto:katia.pace@slcgov.com).

Thank you.

Katia,

I see no public safety concerns with this. Dale

# **Attachment C**

## **Photos**

Accessory Structure at 1477 Stratford Avenue



Alley looking towards East



Alley looking towards West  
Photo taken from inside accessory structure at 1477 Stratford Avenue



# **Attachment D**

## **Public Comments**

**RESPONSE FROM THE SUGAR HOUSE COMMUNITY COUNCIL**

April 6, 2007

To Whom It May Concern:

This letter serves to notify your department of a recent alley abandonment presentation to the Sugar House Community Council by Vera Novak on April 4, 2007. Per the petition instructions (requirement 2) Ms. Novak was instructed to bring her petition before the neighborhood council in which the parcel of alley considered for abandonment exist.

The council does not submit this letter as an endorsement for any property owner adjoining the portion of alley being considered for alley abandonment. Rather, it is recommended that the responsible and proper city agencies ensure the necessary steps are adhered to in consideration of the abandonment.

It should be noted, that Vera Novak was thorough, prepared, forthcoming and helpful in helping the council understand her petition.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Carlson', with a long horizontal flourish extending to the right.

Philip Carlson  
Chair – Sugar House Community Council  
1917 E. 2700 South  
SLC, UT 84106  
801-694-2478

SUGAR HOUSE COMMUNITY COUNCIL  
Minutes for April 4, 2007

**Trustees present:** Russell Callister, Phil Carlson, Sarah Carlson, Barbara Green, Dave Holbrook, Mark Holland, Michael G. Kavanagh, Scott Kisling, Emil Kmet, Andrea Moesser, Dave Mulder, Cabot Nelson, Susan Petheram, Ray Pugsley, L. Rex Sears, Judi Short, Grace Sperry, Andrea Wargula, Steve Wilson, Rawlins Young (20)

**Trustees excused:** Su Armitage, Dolores Donohoo, Art Haddow, Derek Payne (4)

**City/State Representatives:** Michael Stott, SLC Mayor's Office; Soren Simonsen, SLC Council; Fred Ross, SLPD (3)

**Others:** Vera Novak, Jaelene V. Myrup, Jana Johnson, Sheila O'Driscoll, Robert Cheney, Joyce Cheney, David Muse, Wayne Ricks, Melissa Lichtenstein, Allison Stone, Amy Buchanan, Ramiro Flores, Danny Walz, Boyd Petersen, Ralph Becker (16)

**Call to order, Minutes approval, Chair Report:** Call to order, 7:03pm. Phil Carlson, chair. Treasurer Dolores Donohoo was out, but she's getting better every day. She's expecting to host the executive committee meeting on Wednesday at her home.

David Holbrook moved to approve minutes of last month's meeting. There were no objections.

SLC Council District 7 town meeting will be on April 26th at Dilworth Elementary. There is a quarter plan for Foothill and the small area plan for the apartments and WalMart/KMart near Parleys Way.

SLC Council District 6 meeting will be on Tuesday, April 24th at Indian Hills Elementary.

**Crime Update:** Officer Fred Ross, SLPD: desk number: 799-3669, cell: 301-1251, email: fred.ross@slcgov.com. In the middle to the end of last week, we had a round of graffiti. It happened at Smith Crown and other businesses. Call to get it removed: Graffiti hotline is 972-7885. Recent home burglaries have stopped. The SLPD has two in custody. The suspects may have hit in West Valley City also.

Property crimes are down, crime against persons is up. Auto thefts are down, as are car prowls. Security has been great at Pizza and Pasta. Sarah Carlson inquired where the recent burglaries were. One robbery at Formosa Grill on 2100 S in a series of restaurant robberies. A trustee asked about tonight's incident at Stratford and Imperial. Officer Ross has no info yet.

**Chair Report, continued:** Another announcement: Ralph Becker is here as a candidate. There is a thank-you card for Helen, who has resigned. Trustees were urged to sign and donate.

**Alley Vacation, 2553 S. Dearborn St.:** Alley vacation at 2553 S. Dearborn St., presented by Vera Novak & Steve Wilson. Steve Wilson took the issue. They handed out photocopies, color printouts of information. Most neighbors have signed the petition.

Ms. Novak went through the handouts page by page. 1477 E Stratford has a garage that was improperly permitted. Vacating alley will cut off access. The owner has been trespassing to access the garage.

Questions were for clarification.

Steve Wilson moved that the SHCC write a letter for Vera Novak indicating that she has complied with the alley vacation petition application by presenting her request to the council. The letter will take no position towards any property owner and recommends proper city agencies to further look into the matter. Judi Short seconded. Steve offered to draft the letter and email it to Phil.

Rex Sears added that it was good for the council to not take position. Rex offered a friendly amendment: We note that Novak was thorough, prepared, forthcoming and helpful. The full amendment passed unanimously by voice vote.

**Online resources: Yahoo! group for trustees:** Cabot Nelson gave a computer presentation about the Yahoo! Group for the SHCC which offers an email forum and photo albums. It is a resource for trustees only. The URL is <http://groups.yahoo.com/group/SugarHouse>

Susan Petheram's new email is [spetheram@earthlink.net](mailto:spetheram@earthlink.net).

**Business Spotlight, Frost Books:** Presented by Rich Frost, owner of Frost Books. Frost Books was started by Mr. Rich's mother in 1959. It's a family operation. They sell thousands of children's books at 50-70% off. There are occasional book signings. Andrea Moesser commented that Frost Books offered books to her book club at discount rates.

**Merchant's Association Update:** By Barbara Green. Phil Carlson took notes while Cabot Nelson was setting up.

**Land Use & Zoning Committee:** Helen is out. Cabot's motion to limit to five minutes failed for lack of a second. Judi presented the usual handout.

**City Council Update:** By Soren Simonsen. Mr. Simonsen also commented favorably about Frost Books.

Last night was busy. It was the closing of the public hearings for the redevelopment of City Creek center. The sky bridge was the main point. You can add your comments at [council.comments@slcgov.com](mailto:council.comments@slcgov.com).

Come to the meeting on the 17th for some issues.

Downtownrising.com is an envisioning plan for downtown with the SL Chamber. U of U's School of Arch + Planning helped produce graphics. The meeting is next Tuesday between 11am-1pm. More information at [saltlakechamber.org](http://saltlakechamber.org). The plan incorporated urban design elements addressed especially favored by the American Planning Association, the Congress of New Urbanism, etc. They also advocate form-based zoning. Mayor Anderson wants formula-free business zoning which might help local business. The goal would be to maintain business incubation.

SLC Council's Small Business subcommittee has been organized at the Nibley meeting. Small business task force been implemented to help businesses impacted, especially by construction and public works. There is a town meeting on April 26th at Dilworth Elementary at 7:00pm. Two recent ordinances: infill ordinance and landscaping ordinance. Landscaping is pending. It would allow taking out sod in some instances.

**PLANNING'S LETTER TO ABUTTING PROPERTY OWNERS**

GEORGE G. SHAW, AICP  
PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP  
DEPUTY PLANNING DIRECTOR

CHERI COFFEY, AICP  
DEPUTY PLANNING DIRECTOR

**SALT LAKE CITY CORPORATION**

DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING AND ZONING DIVISION

ROSS C. "ROCKY" ANDERSON  
MAYOR

A. LOUIS ZUNGUZE  
COMMUNITY DEVELOPMENT DIRECTOR

November 6, 2007

Jan & Patricia Brady  
1477 Stratford Avenue  
Salt Lake City, UT 84106-3561

**Re: Petition 400-07-14 to vacate the alley running east/west between Dearborn Street and 1500 East Street.**

Jan & Patricia Brady:

Salt Lake City Planning Division is reviewing Petition 400-07-14 to vacate the alley running east/west between Dearborn Street and 1500 East Street. A map is attached for your information. As part of our review process, the Planning Staff is contacting all property owners affected by this request.

You will be notified of any public hearings related to this request. If you have any questions or comments, please feel free to call me at 535-6354 or e-mail me at [katia.pace@slcgov.com](mailto:katia.pace@slcgov.com).

Sincerely,



Katia Pace  
Associate Planner

**RESPONSE FROM PROPERTY OWNER AT 1477 STRATFORD AVENUE**

- 1- Petition 400-07-14 between Dearborn & 1500E?
- 2- Permit - Final approval 6-15-04  
Mrs. Armstrong, Tim & Kathy Doot, Rose Novak approved project prior to receiving bids to construct the garage on lot 1020.
- 3- If alley is vacated, access to the garage on lot 1021 (Rose Novak) and lot 1020 (Brady's) would be blocked.
- 4- Ordinance reads - "thence W. 153' to NE corner of lot 1021 (Rose Novak) (from 1500 E) thence North (12') (to lot 1025 - Vera Novak), thence 23' to (E corner of lot 1025 - Vera Novak)  
(this is where the survey cap for lot 1025 is located)  
Ordinance includes right of ways & easements to all public utilities - (transformer is located on E corner of lot 1025).
- 5- Aug. 1, 2005 Vera Novak took possession of lot 1025 from Mrs. Armstrong.
- 6- Nov. 17, 2006, Vera Novak moved the fence <sup>(wire)</sup> from survey cap # 172901 6' South & concreted a post on this new location thus limiting the approved access to the garage on lot 1020.

# **Attachment E**

## **Original Application**

**ORIGINAL PETITION**

**Petition to Vacate or Close an Alley**

Petitioner: Vera Novak

Address: 2553 S. Dearborn St.

Date: Feb 17, 2007

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

RUZENA NOVAK Ruzena Novak 2/17/07  
Print Name and Address Signature Date  
1469 E STAFFORD AVE, SALT LAKE CITY UT 84106 LOT 1021

Vera Novak Vera Novak 2/17/07  
Print Name and Address Signature Date  
2553 Dearborn St SLC UT 84106

Print Name and Address Signature Date

Print Name and Address Signature Date

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**Alley Vacation****Location: North of Lot 1021 - 12 ft wide alley , 25 foot long section****Applicant: Vera Novak****Reason for Petition**

Property Improvement for Lot 13-21-306-025/1026. Alley portion North of Lot 1021, to be vacated and property added to Lots 1021 and 1025, 6 ft each side.

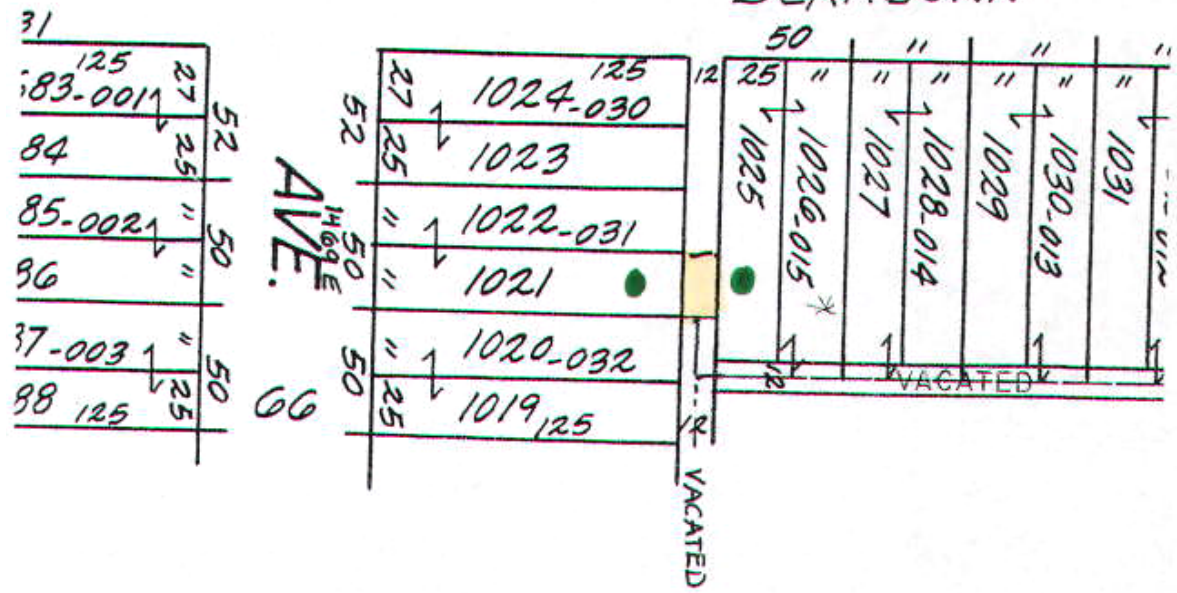
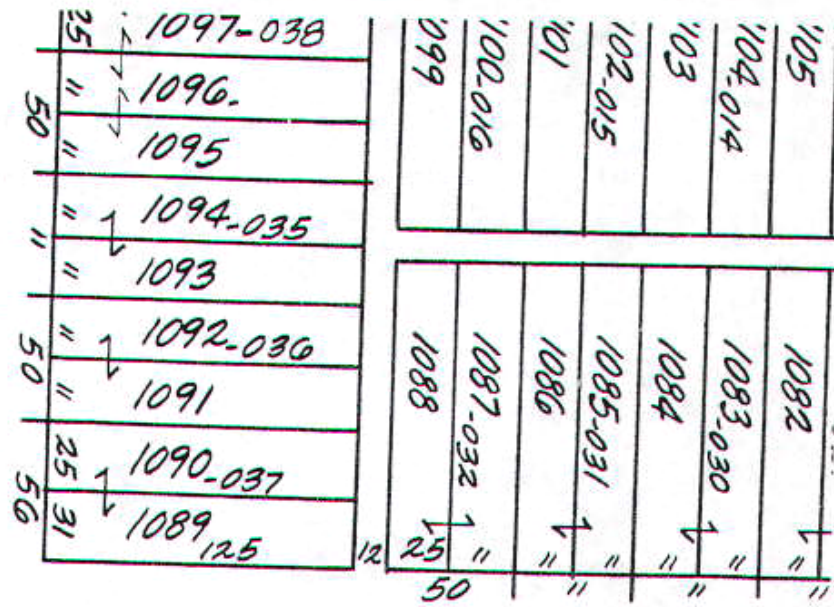
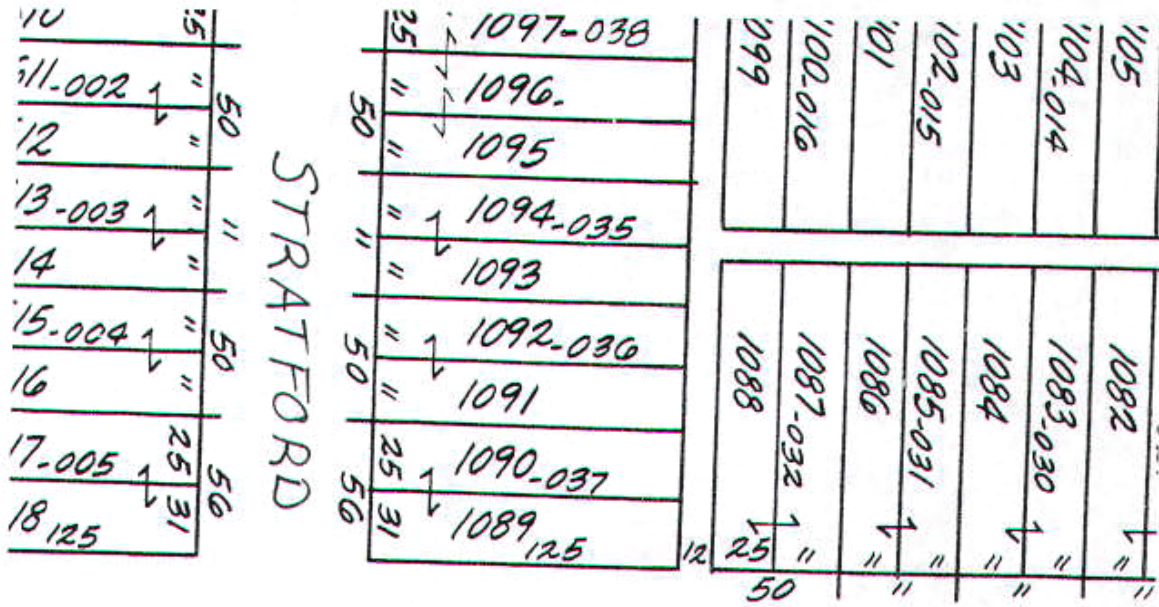
I invested in Lot 1025/1026 to safeguard my own property next door, lot 1027/1028. Lot 1025/1026 had a small house in disrepair when it came up for sale in spring of 2006, and I was afraid that it would be torn down and developed into another “monster house” – as the neighborhood has dubbed the remodel directly across Dearborn St at Lot 1085/1086. I did not want to live in the shadow of another excessive development, and the new zoning requirements were not yet in effect at the time of the sale. I will be making significant improvements to my own property, and plan to do the same with Lot 1025/1026 prior to resell. My intent is to build a high energy efficient home, keeping the design within the historical character of Highland Park.

To this end, I would like to replace the current non-functional garage with a 2 car garage. The increased width of the yard would allow the garage to be shifted 6 ft south, leaving more of the backyard open. This property current has a 6ft bump-out in the back SE corner of the property, as a result of the alley abandonment per Salt Lake City Ordinance No. 72 of 1985. There were discrepancies in the total length of that bump-out from the Property Deed, and conflicting information in the Ordinance. My surveyor and I agreed to go with the intent of the Ordinance, which meant I gave up 6 ft from the original Deed. At the time of the Ordinance, the alley behind 1469 E. Stratford (Lots 1021/1022) was not abandoned, in order to give the homeowner access to the garage at lot 1021. Said homeowner is in agreement with the current proposal, as she retains the garage access. I am seeking the extra 25 x 6 ft in order to build the garage in the back corner. Note there is a power line in the SE corner, 6 ft in from each direction, at the edge of the old alley. I have spoken with Rocky Mt Power, who saw no problem with the garage, as long as I keep the garage roof 10ft below the powered lines.

**City Policy Consideration:**

Lack of use. This portion of the alley had not provided access to any property other than 1469 E Stratford since at least 1979, when the current owner purchased the property. The chain link fences around adjacent properties were already in place at that time, and apparently had been for some time. The home owner used this space for guest off-street parking, and a vegetable garden to occupy her aging mother since 1993.





- Proposed alley to be vacated
- Approve Petition